United Nations A/65/823

General Assembly

Distr.: General
18 April 2011
English
Original: Spanish

Sixty-fifth session
Agenda item 112 (c)
Elections to fill vacancies in subsidiary organs and other elections: election of fifteen members of the Human Rights Council

Note verbale dated 18 April 2011 from the Permanent Mission of Nicaragua to the United Nations addressed to the Secretary-General

The Permanent Mission of Nicaragua to the United Nations presents its compliments to the Secretary-General of the United Nations and has the honour to refer to the candidature of the Government of Nicaragua, presented on 4 June 2009, for membership of the Human Rights Council for the period 2011-2014, in the elections to be held on 20 May in New York.

Nicaragua is a State party to the major international human rights instruments and has fully met its commitment to submit periodic reports to the various treaty monitoring bodies and to follow up on their recommendations.

As a member of the Human Rights Council, Nicaragua played an active role in carrying out the obligations conferred upon the Council by the international community as a whole, in order to advance the promotion and protection of human rights around the world. Nicaragua considers consensus, dialogue and cooperation to be the basic tools for strengthening the international system for the promotion and protection of human rights.

In this regard, the Government of Nicaragua would like to share the aide-memoire outlining its pledges and commitments to human rights (see annex) and requests that the present note and the aide-memoire be circulated to Member States of the United Nations and published on the website of the United Nations General Assembly.

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Annex to the note verbale dated 18 April 2011 from the Permanent Mission of Nicaragua to the United Nations addressed to the Secretary-General

Candidature of Nicaragua to the Human Rights Council 2011-2014

Voluntary pledges and commitments pursuant to General Assembly resolution 60/251

Promotion and protection of human rights by Nicaragua

1. Promoting and protecting human rights is part of the fundamental vision and commitments that guide the policies and administration of the Government of Reconciliation and National Unity of Nicaragua, which is founded on the constitutional principles of liberty, justice, respect for international law, human dignity, and political, social and ethnic pluralism, and on recognition of the many forms of ownership, solidarity, free international cooperation and respect for the right of peoples to self-determination.

2. The State of Nicaragua promotes and ensures progress in the social and political spheres to provide for the common good and has assumed the task of advancing the human development of each and every Nicaraguan and protecting them against all forms of exploitation, discrimination and exclusion.

3. Nicaragua considers peace and the establishment of a just international order to be irrevocable commitments. Therefore, it does not tolerate and opposes all forms of domination and exploitation and stands in solidarity with all peoples that are victims of oppression and discrimination.

4. In that regard, it considers consensus, dialogue and cooperation to be the basic tools for strengthening the international system for the promotion and protection of human rights and enabling it to respond to situations that threaten the rights and liberties of our people.

5. Nicaragua believes that promoting human rights means helping every person understand his or her rights and the ability to exercise them. Anyone who does not enjoy access to his or her economic, social, cultural, civil and political rights as fundamental rights is denied a dignified and free life.

6. Protecting human rights is an obligation of all States. Protecting rights means guaranteeing that all have an equal and adequate standard of living; that all are equal before the law; and that the recognition of violations entails just reparations for the victims.

Defence of human rights at the national level by Nicaragua

7. Nicaragua is a State party to most of the principal international instruments, which guide its efforts to promote and protect the human rights of its people. However, simply being a State party is insufficient if States do not demonstrate political will and a real commitment to their peoples to fulfil and carry out the

obligations they have assumed. The Government of Reconciliation and National Unity has therefore fully met its commitments to submit periódic reports to the various treaty monitoring bodies and follow up on their recommendations.

8. Nicaragua is aware that the primary responsibility and obligation to promote and protect human rights lies with the State. Therefore, the Government of Reconciliation and National Unity is advancing diverse strategies to promote the human development of Nicaraguans and thus eradicate the poverty inherited from the exclusive economic and social policies of the past.

9. For that reason, in the international arena, Nicaragua has made a priority of promoting international development, cooperation and solidarity as essential tools for the advancement of peoples. A nation that is deprived of its right to development is condemned to live in poverty and underdevelopment, and regardless of its efforts, it will not be able to meet the Millennium Development Goals agreed to by the international community.

10. At the national level, our primary commitment has been to fight poverty. The magnitude of poverty and the depth of extreme poverty in Nicaragua call for a human development model to fight this scourge. Thus, our Government has designed and is implementing the Human Development Plan 2009-2012, which includes various social programmes aimed at eradicating poverty, building the common good, respecting human rights and improving living conditions for the entire population.

11. This National Human Development Plan involves a development strategy and vision of human rights that reject discrimination in all its forms. It includes a national system for social welfare and equity with clear strategies and policies on food, health, education, social housing, safe drinking water and social security. This is undoubtedly one of Nicaragua's primary contributions to the system for the protection and promotion of human rights.

12. At the same time, we have strengthened and created institutions that guarantee the fulfilment of human rights and fundamental freedoms established in our constitution and laws, emphasizing the most vulnerable sectors, including children, adolescents, women, indigenous peoples and people of African descent, persons with disabilities, migrants, older persons and persons living with HIV/AIDS. The Office of the Human Rights Ombudsman and the Nicaraguan Institute for Women are concrete examples of this commitment.

13. We have defended and promoted the rights of children and adolescents in relation to life, family and community relations, identity, nationality, free health services, food, housing, free education, the environment, sports, recreation, professional training, culture, dignity, respect and freedom. This was accomplished through successful programmes, such as the "Love Programme" ("*Programa Amor*") and "Love Programme for the littlest ones" ("*Programme Amor para los más chiquitos*"), which have been praised and have received economic support from the United Nations Children's Fund (UNICEF).

14. Despite our limitations as a developing country, thanks to the solidarity of fraternal countries, we are implementing innovative programmes on sensitive issues, such as persons with disabilities. We conducted a social research study called "Voices for All" ("*Todos con Voz*"), involving a genetic study of the causes of disability in Nicaragua. The study was conducted by means of door-to-door visits in

each neighbourhood and community, city and municipality, to locate persons with disabilities and create a map, which has since been used to advance economic and social policies that benefit this population.

15. The economic, social and cultural rights of our indigenous peoples and people of African descent have been restored, in particular the right to property, in recognition of the ancestral ownership of their territories and their usufruct over natural riches in those areas. This recognition has been enacted at the constitutional level.

16. To date, our Government has handed over 15 land titles to communal indigenous territories, covering an area of 22,479 square kilometres, or 17.4 per cent of the national territory, and benefiting 103,790 members of 24 communities. In addition, we have made a commitment to our indigenous peoples to culminate this act of justice by giving land titles to 100 per cent of the communities, the equivalent of an area of 36,000 square kilometres.

17. With regard to gender issues, women's empowerment has been advanced through the implementation of a cross-cutting policy in the design and implementation of all Government policies and programmes, which emphasizes women's direct participation and decision-making in the various arenas and roles in national and international affairs. Within the executive branch, women occupy 45 per cent of leadership roles in the country; notably, posts in the field of security are occupied primarily by women.

18. All of these national-level efforts to promote and protect human rights in Nicaragua have garnered the recognition of important international organizations. In the area of health, the Pan American Health Organization has highlighted the achievements of the Government of Nicaragua, including its progress towards achieving the health-related Millennium Development Goals. With regard to education, the United Nations Educational, Scientific and Cultural Organization (UNESCO) declared Nicaragua to be free of illiteracy. In terms of the right to development and the right to food, the Economic Commission for Latin America and the Caribbean (ECLAC) recently recognized the decrease in poverty levels in Nicaragua, while the International Fund for Agricultural Development (IFAD) concluded that the Government plans to support rural families had had a positive impact. For its part, the Food and Agriculture Organization of the United Nations (FAO) designated Nicaragua as a model country or exemplary country in addressing food security, reducing hunger and improving nutrition. In addition, Nicaragua's Special Programme for Food Security (PESA) was recognized by FAO as one of the best internationally.

19. The civil and political rights of our people are widely recognized and respected. In addition to the constitutional guarantees and national and international legislation in force in Nicaragua, the direct participation of people in the full exercise of their rights is promoted both through participatory mechanisms within the executive branch and by civil society organizations. There are currently 5,155 domestic and foreign entities listed in the Registry and Account of Associations of the Ministry of Governance. Any natural or legal person may create a non-governmental organization by means of a transparent and inclusive process.

20. The right to freedom of expression is guaranteed in the political Constitution. The general population and the media enjoy great freedom of expression; the vast

majority of the media are in the private sector. The political Constitution also recognizes the right to peaceful assembly without prior permission, as well as the right to gather, protest and mobilize society, in accordance with the law.

21. Human rights defenders enjoy all constitutional guarantees and many of them work in coordination with the Government, joining efforts to promote and protect the most disenfranchised groups. The National Police makes efforts to provide effective protection to human rights defenders through the national-level police system, in line with its doctrinal principles of protection, respect, promotion and defence of the human rights of Nicaraguans and foreign citizens.

Nicaragua and the Human Rights Council

22. Nicaragua was a member of the Human Rights Council during the period 2007-2010, occupying a privileged place as a founding member of this body. Its membership enabled Nicaragua to make positive contributions to the Council's institutional strengthening process, based on dialogue and cooperation by facilitating consensus and decision-making in the Council plenary.

23. Nicaragua honoured the voluntary commitments it made during its first candidature by extending a standing invitation to the special procedures of the Human Rights Council. In 2009, the Special Rapporteur on the right to food visited the country, and recently, the Government of Reconciliation and National Unity extended an invitation to the Special Rapporteur on the sale of children, child prostitution and child pornography.

24. Nicaragua also honoured its commitments by ratifying the Convention concerning Indigenous and Tribal Peoples in Independent Countries (C169) of the International Labour Organization (ILO), a wise decision that was praised by various mechanisms of the United Nations system, among them, the Special Rapporteur on the rights of indigenous peoples, James Anaya.

25. Nicaragua successfully underwent the universal periodic review process before the Human Rights Council during its seventh session, held in February and June 2010.

26. Member States participated actively in the review, with 47 States offering comments and recommendations. The Government of Reconciliation and National Unity was recognized for making notable progress in the area of human rights in Nicaragua, both in terms of civil and political rights and economic, social and cultural rights.

27. Member States congratulated Nicaragua for having adopted 14 of the 16 major international human rights instruments; for the participatory approach it took to the universal periodic review process; and for its implementation of the Human Development Plan, which includes important health, education and food security programmes, such as the "Glass of Milk" ("*Vaso de Leche*"), "Productive Vouchers" ("*Bono Productivo*") and "Zero Usury" ("*Usura Cero*") programmes. Nicaragua was also recognized for providing the rural population with access to justice by means of judicial facilitators and for promoting sexual diversity rights, including through creating the post of Special Prosecutor on sexual diversity.

28. The Government of Reconciliation and National Unity made another important contribution to the system for the promotion and protection of human rights by supporting the candidature of a Nicaraguan expert, Father Miguel d'Escoto Brockmann, for membership on the Human Rights Council Advisory Committee. He has a long history of fighting for human rights and his recent experience as President of the United Nations General Assembly will bring invaluable contributions to the system.

29. In view of these contributions by Nicaragua and its aspirations to continue working to build a more just and harmonious world and to advocate for the promotion and defence of human rights and freedoms of all people of the world, Nicaragua is seeking election as a member of the Human Rights Council for the period 2011-2014.

30. Nicaragua reiterates its commitment to continue working to strengthen the Council and ensuring that dialogue, cooperation, the universality of rights, non-politicization, non-selectivity and equity for all prevail.

31. The Government of Reconciliation and National Unity welcomes the valuable support of all countries for its election as a member of the Human Rights Council.